

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

Dr. Michael Moates

Plaintiff

v.

STATE OF NORTH CAROLINA,

STATE OF TEXAS,

STATE OF VIRGINIA, AND

STATE OF NEVADA

Defendants

Case No.: 4:23-cv-00772

JURY TRIAL DEMANDED

MOTION FOR LEAVE TO

FILE EXCESS PAGES UNDER LOCAL RULE 7.2

INTRODUCTION

Pursuant to Local Rule 7.2, Plaintiff Dr. Michael Moates, Pro Se, respectfully moves this Court for permission to file a brief in excess of the 10-page limitation set forth in the rule.

In support of this motion, the Plaintiff states as follows:

Dual Nature of the Defendant's Filing: The Defendant Texas, in a singular document, combined two distinct legal actions: (a) a Motion to Dismiss the Plaintiff's lawsuit, and (b) a Response in Opposition to the Plaintiff's Motion for Preliminary Injunction. These actions, while related to the overarching dispute, address different legal issues and standards.

Purpose of the Plaintiff's Response: Given the dual nature of the Defendant's filing, the Plaintiff's response will serve a twofold purpose. First, it addresses the arguments and grounds presented by Defendant Texas in its Motion to Dismiss. Second, it counters the arguments raised by the Defendant in its Response in Opposition to the Plaintiff's Motion for Preliminary Injunction.

Necessity for Comprehensive Response: Due to the combined nature of the Defendant's filing, it became imperative for the Plaintiff to provide a comprehensive response that adequately addresses both the motion to dismiss and the opposition to the preliminary injunction. This approach ensures that the Court has a clear and complete understanding of the Plaintiff's position on both matters.

Request for Consideration: The Plaintiff respectfully requests the Court to consider extending the page count to 28 in light of the dual nature of the Defendant's filing. The Plaintiff has endeavored to provide a thorough and detailed response to each aspect of the Defendant's combined motion and response, and believes that this comprehensive approach will assist the Court in its deliberations.

Complexity of the Issues: The issues presented in this case are of significant complexity, involving multiple constitutional challenges, antitrust claims, state law claims, and the application of various federal and state statutes and case law. A thorough and comprehensive presentation of the issues, supported by relevant authority, is necessary to ensure that the Court has a full understanding of the Plaintiff's arguments and the legal framework in which they arise.

Importance of the Matter: The case at hand has wide-reaching implications for the field of behavior analysis, impacting numerous professionals and the vulnerable clients they serve. Given the gravity of the issues and the potential consequences of the Court's decision, it is crucial that the Plaintiff be allowed to present a complete and detailed argument.

Compliance with Other Requirements: The Plaintiff acknowledges the requirements of Local Rule 7.2 concerning the general form of briefs, including font size, spacing, and margins. The Plaintiff's brief will fully comply with these requirements. Additionally, as

the brief will exceed 10 pages, it will contain a table of contents and an alphabetically arranged table of authorities, as required by the rule.

No Undue Prejudice: Granting this motion will not prejudice the Defendants or delay the proceedings. Instead, it will ensure that the Court has a comprehensive understanding of the issues, facilitating a more informed decision.

Previous Efforts to Condense: The Plaintiff has made diligent efforts to present the arguments concisely while ensuring clarity and completeness. Despite these efforts, the complexity and significance of the issues necessitate a more extended presentation.

Respectfully submitted,

/s/ Michael Moates, EdD, Pro Se

4501 Nautilus Circle #710

Fort Worth, Texas

254-966-2837

mike@cpmht.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been filed and served electronically through the Court's Electronic Case File system on this the 29th day of August, 2023, upon all counsel of record.

ERIC FINEMAN

eric.fineman@oag.texas.gov

Office of the Attorney General, Assistant Attorney General

P.O. Box 12548, Capitol Station, Austin, Texas 78711-2548

(512) 463-2120 | FAX: (512) 320-0667

Respectfully submitted,

/s/ Michael Moates, EdD, Pro Se

4501 Nautilus Circle #710

Fort Worth, Texas

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mike@cpmht.com